

Measure A Medical Marijuana Cases Slow as Season Nears End

Chico Enterprise-Record
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October 27, 2015

Oroville >> Code enforcement cases involving medical marijuana have slowed as the end of the outdoor growing season nears.

The number of reports increased 13 percent to 1,428 from Sept. 14 through Friday. There were only three cases reported in the seven days before Friday, development services director Tim Snellings told the Butte County Board of Supervisors on Tuesday.

From August to September, there were 313 new cases.

Code enforcement supervisor Chris Jellison said 46.4 percent of the complaints remain open with 181 cases pending review. Information from the county indicates that 334 cases are in citation status.

The remaining 53.4 percent of cases aren't currently in violation of the ordinance. Most of those cases, 464, are being monitored after the resident came into compliance, typically by removing plants outside the allowed growing area.

The ordinance, approved by voters last year, set growing area dimensions in the unincorporated county based on lot size. Outdoor grow sizes vary from 50 square feet for lots between a half-acre and 5 acres to 150 square feet for properties larger than 10 acres.

The number of issued citations continues to increase. Citations increased 48.7 percent to 748.

The total amount of issued fines continues to increase while fines that are actually paid still lag. The county says it has issued \$3.04 million in fines, a 267 percent jump from last month.

Fines paid rose to \$134,325, a 57 percent increase.

Snellings has said the county will use the nuisance abatement hearing process to get fines paid and to ask to recover costs for expenses.

After starting with one hearing through last month, 15 additional hearings have been called and two await a decision. Four hearings are scheduled.

The county notes that the citations have been upheld in all but one of the hearings.

If a nuisance abatement is upheld, the county can put a lien on the affected property.

Looking forward

Much of Tuesday's discussion was focused on possible changes to the ordinance next year and the impact from new state medical marijuana law recently signed by Gov. Jerry Brown.

County Administrative Officer Paul Hahn said the officials have learned a lot from this year's abatement process. Officials would like to propose changes to streamline the process.

Because Measure A was approved as a referendum, the board can amend the ordinance without going to the voters.

Oroville-area Supervisor Bill Connelly said he wasn't inclined to substantially change rules that were approved by a large percentage of voters.

County counsel Bruce Alpert said the changes are centered on the abatement process, not the grow area sizes. He said the matter would likely return to the board in January.

Connelly said he's received a lot of phone calls about the new state rules, which create a state framework regulating cultivation and dispensing.

While one of the biggest changes on the state level is treating cannabis cultivation as agriculture, county officials said the law also allows local governments to control or restrict the activity. The current county rules would supercede the state law.

Hahn said a representative from the Rural County Representatives of California will discuss the new state laws at the board's Nov. 10 meeting.

Questions include whether the county will have to require cultivators to obtain a permit or license. Such a permit would be required if the county allowed growing in agricultural areas, which currently isn't allowed.

Hahn said Butte County isn't alone in facing this issue. Even urban counties are grappling with how to regulate dispensaries.

Additionally, state voters will likely vote on propositions to legalize the recreational use of marijuana next year.

"It's an issue that's not going away anytime soon," Hahn said.

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